Commission for Public Complaints Against the Royal Canadian Mounted Police

Commission des plaintes du public contre la Gendarmerie royale du Canada

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COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP

2008-2009

ANNUAL REPORT

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Canada

WHO WE ARE AND WHAT WE DO

The Commission for Public Complaints Against the RCMP is an independent body established in 1988 to receive and review complaints about the conduct of regular and civilian RCMP members in the performance of their policing duties. Its mission is to contribute to excellence in policing through civilian review.

The Commission ensures that complaints about the conduct of RCMP members are examined fairly and impartially. Its findings and recommendations help identify, correct and prevent the recurrence of policing problems caused by the conduct of specific RCMP members or by flaws in RCMP policies or practices.

VISION: Excellence in policing through accountability.

MISSION: To provide civilian review of RCMP members' conduct in performing their policing duties so as to hold the RCMP accountable to the public.

MANDATE: As set out in Part VII of the *Royal Canadian Mounted Police Act*, the mandate of the Commission is to:

- receive complaints from the public about the conduct of RCMP members;
- conduct reviews when complainants are not satisfied with the RCMP's handling of their complaints;
- hold hearings and investigations; and
- report findings and make recommendations.

STRATEGIC OBJECTIVES

- improve access to and openness of the public complaints process;
- improve processes for lodging complaints and requesting reviews;
- undertake strategic policy analysis and produce research-based analysis to improve the relevance of review recommendations and to identify continuing, emerging and new complaint trends; and
- create and maintain a workplace of choice.

HOW TO GET IN TOUCH WITH US

You can find the Commission for Public Complaints Against the RCMP on the Internet at **www.cpc-cpp.gc.ca**. All documents cited in this report may also be found there.

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Minister of Public Works and Government Services
Cat. No. PS75-2008
ISBN 978-0-662-05805-2

The Honourable Peter Van Loan, P.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Van Loan,

Pursuant to section 45.34 of the *Royal Canadian Mounted Police Act*, I hereby submit the annual report of the Commission for Public Complaints Against the RCMP for the 2008–2009 fiscal year, for tabling in Parliament.

Yours very truly,

Paul E. Kennedy
Chair

May 2009

TABLE OF CONTENTS

CHAIR'S MESSAGE 2

CPC REPORTS AND FINDINGS 5
- RCMP Conducted Energy Weapon* (TASER®) Use 5
  - CPC Report on TASER® Use by the RCMP 5
  - Public Interest Investigation into Deaths Proximal to TASER® Use 6
  - CPC Review of RCMP TASER® Use Statistics for 2008 6
- Public Concern Surrounding Police Investigating the Police 7
  - CPC Report on RCMP Investigations of RCMP Members 7
- Tracking of Public Complaints by the RCMP 8
  - CPC Review of the RCMP Public Complaints Record 2007 8

NOTABLE COMPLAINTS 11
- Deaths in RCMP Custody 11
  - Kevin St. Arnaud 11
  - Cheryl Anne Bouey 12
  - Raymond Silverfox 12
  - Mental Health-Related Issues and the Death of Christopher Klim 13
- TASER® Incidents 13
  - Death of Robert Dziekanski 13
  - Frank Lasser 14
  - Inuvik Minor 14
- Cross-Jurisdictional Cooperation by Police Oversight Agencies 15
- The Use of Search and Seizure as a Preventative Security Measure: Search for Alcohol at a Large Civic Event 15

CPC AND RCMP WORKING COLLABORATIVELY 17
- Independent Observer Program 17

RECOMMENDATIONS MADE TO THE RCMP 19
- Recently Implemented Recommendations 19
  - Kingsclear Youth Training Centre Final Report 19
- Recommendations Awaiting Implementation 20
  - Taxation of Canadian Corporate Dividends and Income Trusts 20
  - Shooting Death of Ian Bush 20

OPERATION OF THE COMMISSION 21
- Service Standards 21
- Enquiries, Alternative Dispute Resolution and Formal Complaints 22
- Review of Public Complaints 26
- Interim Reports, Commissioner's Notices and Final Reports 28

COMMUNITY OUTREACH 30

ORGANIZATIONAL AND BUSINESS IMPROVEMENTS 33

CHALLENGES AND OPPORTUNITIES 34

APPENDIX 1: FINANCIAL STATEMENT 35

APPENDIX 2: THE COMPLAINTS PROCESS 36

* The RCMP maintains two Conducted Energy Weapons in its inventory – the M26 and X26 TASER®

CHAIR'S MESSAGE

"BY PERSEVERANCE THE SNAIL REACHED THE ARC"[1]

In October 2008, the Commission for Public Complaints Against the RCMP celebrated its 20th Anniversary. Like all such milestones, our 20th was an opportunity to take stock of our past, present and plan for our future. Although I was not privy to the original discussions that gave rise to the creation of the Commission, the public record would seem to demonstrate a good deal of resistance to the creation of a civilian review body in respect of the RCMP.

The 1960s and 1970s for the RCMP was a difficult period culminating in calls for civilian oversight for the Force. The MacDonald Commission established in 1977 examined the security intelligence activities of the RCMP which led to the creation of the Canadian Security Intelligence Service and the civilianization of the national security intelligence function. In 1974, the Marin Commission was established to look at discipline, grievances and complaints from the public with regards to the RCMP. The recommendations of the Marin Commission called for the establishment of a People's Watchman, a person who could focus the light of publicity on his concerns as to injustices and needed change, and who could "bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds." These recommendations remained dormant until 1986 when the government of the day introduced legislation to provide for a civilian review body to deal with public complaints concerning the conduct of RCMP members.

The legislation as introduced and as ultimately enacted by Parliament fell well short of the model recommended by Judge Marin. The inadequacies of that legislative mandate were highlighted by the first Chair of the Commission who called for some thirty-three legislative amendments. The sheer number of recommended changes, when one considers the modest public expectations of transparency and accountability that prevailed in 1988, underscored the Act's limitations and anticipated some of the essential elements required to address the public's increasing distrust of public institutions and the eventual clarion call for increased police accountability. The years following 1988 witnessed the normal tensions that existed between an oversight body and the police. Successes such as the excellent work of Justice Hughes in the APEC Public Interest

1 Charles Haddon Spurgeon

Hearing were offset by adverse court rulings that restricted the Commission's access to relevant RCMP information due to its privileged or confidential nature. Inadequate funding and a gross disparity in the financial resources of the Commission (5 million dollars) and the RCMP (4 billion dollars) limited the effectiveness of the CPC and seriously undermined the ideal of meaningful civilian oversight of the RCMP.

Significant efforts were undertaken in 2006 to more effectively deploy the limited resources of the Commission and to initiate innovative projects designed to better demonstrate the value of effective civilian oversight. A five-year backlog of reviews was eliminated and a 120-day service standard was put in place for cases appealed to the Commission. These service standards were refined and additional standards were extended to all aspects of the Commission's work from complaints intake to the finalization of cases under appeal.

The Commission increased its use of Chair-initiated complaints to broaden the scope of its reviews to include a consideration of the adequacy of RCMP training and policies in addition to individual member conduct.

An Independent Observer pilot project was launched in 2007 in cooperation with the RCMP "E" Division in British Columbia to address ongoing public concerns with the integrity of RCMP investigations of members who were involved in incidents that resulted in serious injury or death.

In 2008, the government provided the Commission with short term funding that allowed it to undertake a wider range of activities both within its current mandate and pursuant to a cooperative arrangement between the Commission and the RCMP. The infusion of funds has allowed the Commission to:

- respond to a Ministerial request for a review of TASER® usage by the RCMP for the period of 2001 to 2007;
- undertake a review of all deaths proximal to TASER® use by the RCMP since 2001;
- undertake a public interest investigation of individual incidences of TASER® usage in the Canadian North;
- review some 28 RCMP conducted investigations of its members who were involved in shootings that resulted in serious injury or death and other serious allegations for the years 2002–2007;
- review police interaction with individuals suffering from mental health disorders;
- exercise its custodianship of the public complaints process by conducting a review of all RCMP dispositions of complaints that were not formally appealed to the Commission for the calendar year 2007 and to prepare both a national report and divisional report for each of the contracting provinces and the three territories. These reports will provide the Minister of Public Safety and his provincial colleagues, along with the Commissioner of the RCMP and his senior Commanding Officers, an overview of the adequacy of the RCMP's participation in the public complaints process;

- strengthen accessibility to the complaints process by members of the Canadian public through an expansion of its multilingual services and enhanced outreach to the Aboriginal community through collaboration with the National Association of Friendship Centres; and

- expand the Independent Observer Program to the Yukon "M" Division.

There is a public thirst for more information and stronger assurances that these important areas are being examined and reported upon publically. It is increasingly clear that this is not a matter of whether or not such work ought to be undertaken. Rather, it is a question of why the Commission was not properly funded to have undertaken it sooner.

The future, hopefully the near future, should see these activities become part of the core foundational activity of the Commission.

There remain other activities that ought to be undertaken which must await legislative amendments. A credible oversight body must be able to:

- access all relevant information as of right, possess the power to summon witnesses, take evidence under oath and to subpoena documents, short of calling a potentially very expensive public interest hearing;

- examine specific activities and programs of the RCMP at the Chair's discretion;

- report on RCMP follow-up action on Commission recommendations;

- monitor and report on RCMP activities in respect of public complaints;

- work collaboratively, as appropriate, with other oversight bodies at both the federal and provincial level;

- provide to the appropriate provincial and territorial ministers Commission decisions and other reports dealing with the performance of the RCMP in their respective jurisdictions;

- provide on an annual basis, to the Minister of Public Safety and the appropriate provincial or territorial Ministers, statistical information relative to the conduct of RCMP members in their jurisdiction; and

- provide to the Minister of Public Safety special reports as required.

A credible and effective regime of civilian oversight of the RCMP is an essential mechanism whereby the public and their police may jointly participate in a respectful dialogue, the ultimate goal of which is to restore and maintain the public trust in the police individually and as an institution. With the passage of 20 years, the time to replace modest steps in the advancement of civilian oversight of policing with purposeful strides is upon us. As the American social commentator Will Rogers once said,

> **" Even though you're on the right track, you will get run over if you just sit there. "**

CPC REPORTS AND FINDINGS

RCMP CONDUCTED ENERGY WEAPON (TASER®) USE

CPC Report on TASER® Use by the RCMP

As an independent review body and informed interlocutor, the CPC is uniquely positioned to bring a much needed perspective to the public policy debate on the RCMP's use of the TASER®. To this end, on November 20, 2007 the then Minister of Public Safety, the Honourable Stockwell Day, requested that the CPC review the RCMP's protocols on the use of the TASER® and their implementation, including compliance with such protocols, and provide an interim report by December 12, 2007.

On December 11, 2007, an Interim Report was produced which made 10 recommendations for immediate implementation that covered three broad conclusions:

- The RCMP needs to coordinate and strengthen its efforts related to data collection and analysis of TASER® use;
- The RCMP needs to empirically justify policy shifts with respect to TASER® use, especially when that shift loosens the restrictions of deployment; and
- The RCMP needs to clarify to its members and to the public when it is permissible to deploy the weapon.

The CPC then moved to focus on two main areas for the production of the Final Report: an in-depth statistical analysis of the RCMP's TASER® database and a comparative analysis of other police forces' TASER® policies. On June 12, 2008, the Final Report was produced, which made 12 recommendations for immediate implementation that covered three broad conclusions:

- The RCMP needs to restrict its members' use of the TASER® as a means of instituting appropriate and proportionate use of the weapon;
- The RCMP needs to clarify the nuances within its Use of Force Model to its members and to the public about when it is permissible to deploy the weapon; and
- The RCMP needs to nationally coordinate and strengthen its efforts related to reporting, data collection, and analysis of TASER® use.

Our research, and the fact that the CPC has the largest single database in Canada on the RCMP's use of the TASER®, brings a unique perspective to this issue. From this work, the CPC found a lack of appropriate TASER® training, examples of inappropriate use, a lack of meaningful data collection, and a lack of transparency and accountability within the RCMP.

The position of the CPC is that the principle of proportionality is central to the debate of the RCMP's use of the TASER®. The amount of force used should bear some reasonable relationship to the nature and amount of resistance the member is facing. Policy decisions the police make that affect their interaction with the public need to be based on sound, factual data. In addition, communicating these policy decisions is essential to obtaining public support.

Since the production of the Final Report, progress has been made by the RCMP during this fiscal year. Several recommendations from the CPC were adopted and work continues on others to determine the extent of possible adoption. For example, use of force coordinators have been established across Canada and headquarters has a dedicated unit looking at use of force issues generally. Stricter reporting requirements have been placed on TASER® users and headquarters vigorously administers the central TASER® database and reviews all user reports submitted by members. Professional Standards units and Training units have access to the centralized database and the RCMP routinely shares all unvetted TASER® reports with the CPC. The RCMP continues to prepare and publish quarterly reports on TASER® use and all users are required to re-certify annually. Finally, in February 2009 the RCMP published a new TASER® Policy that better defined in what circumstances it is permissible to use the weapon.

Public Interest Investigation into Deaths Proximal to TASER® Use

While acknowledging the progress made in this area, the use and effects of the TASER® by the RCMP in Canada continues to be an issue of concern to the Commission. In light of these concerns, on January 15, 2009 the Chair initiated a complaint and public interest investigation into the conduct of those unidentified RCMP members present at, or engaged in, incidents where individuals in the custody of the RCMP died following the use of a TASER® since 2001.

In this complaint, the Chair will be examining systemic issues related to in-custody deaths and the application of the TASER®, and whether RCMP members complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to the use of force. This investigation will also determine whether existing RCMP policies, procedures and guidelines are adequate.

The Commission has appointed its own independent lead civilian investigator, rather than having the complaint investigated by the RCMP.

CPC Review of RCMP TASER® Use Statistics for 2008

Recommendation 12 in the CPC's Final Report on the RCMP's use of the TASER® called for the passage of all unvetted TASER® usage forms to the CPC for a period of three years. Form 3996 is the report members must complete after they have threatened use of or actually deployed a TASER®. The report contains information related to the situational factors that precipitated a TASER® use, the member's written articulation of why he or she chose to deploy the weapon, identification of various facts related to the subject of concern, the weather, the performance of the TASER®, and finally, identification of actions taken post-TASER® deployment.

In order to determine how and why members are using the TASER®, and in what circumstances they are choosing to deploy the weapon as opposed to using other use of force techniques, the CPC has independently examined the RCMP's TASER® database. Following the data analyses performed in the TASER® Final Report, the CPC produced in March 2009 similar analyses for all TASER® reports found in the RCMP's database for 2008. Some interesting findings were discovered.

First, there has been a significant change in the way in which RCMP members are using the TASER®. Notably, the TASER® is

now being utilized primarily as a deterrent: almost 50% of the use in 2008 saw the weapon being de-holstered but not fired in any way. In addition, use of the weapon in push-stun/probe modes decreased in 2008. As with past analysis, the factors most likely to be linked with TASER® deployment were substance use by the subject, and the number of members present during the incident.

The Commission was able to empirically examine the narrative portions of the TASER® reporting forms, the first analysis of its kind in Canada, and found that members' written articulation of events did not always match with what was being reported in the rest of the report. This was especially true with respect to TASER® use being identified as having "avoided lethal force."

As with previous years, the Commission still has a concern with TASER® use on youth and those with mental health issues. In 2008, there was a proportionate increase in TASER® use against youth; however, use against youth mirrored the findings of use against adults in that the weapon was more likely to be used as a deterrent.

Finally, incident types identified in the usage forms as "mental health" or "suicide," when combined, was the primary "call-type" where the RCMP responded and where the TASER® was used. "Cause disturbance" and "domestic dispute" incidents types figured prominently as well. It is of concern that calls involving "mental health" or "suicide" resulted in more TASER® deployments than any other incident type; especially when there was no evidence in the narrative portion of the TASER® usage reports that mental health calls were any more risky than other incident types.

> **" ... almost 50% of the use in 2008 saw the weapon being de-holstered but not fired in any way. "**

PUBLIC CONCERN SURROUNDING POLICE INVESTIGATING THE POLICE

CPC Report on RCMP Investigations of RCMP Members

The past several years have seen numerous media reports and public discussions reflecting concerns about the independence and thoroughness of RCMP criminal investigations into the conduct of another RCMP member. To examine the issue in greater detail and provide factually-based findings to inform these debates, the CPC launched a Chair-initiated complaint and public interest investigation on November 28, 2007 into the conduct of unidentified RCMP members who were engaged in criminal investigations into the activities of other RCMP members between April 1, 2002 and March 31, 2007. The investigation covered three broad areas:

- Serious bodily injury;
- Serious sexual assault; and
- Death (including police motor vehicle fatalities).

The CPC randomly identified a total of 28 cases from across Canada that were deemed suitable for examination. All 28 cases were subject to an in-depth file review, and eight specific cases were further subject to in-depth field investigations. Fourteen serious bodily assault cases, eight serious sexual assault cases and six death cases were examined. Travelling across Canada for close to six months, CPC investigators interviewed a total of 31 RCMP members—six members declined to be interviewed and all 13 civilians contacted declined or did not show up for interviews.

The investigation was thorough as per the criteria and terms of reference established in the original complaint record made by the CPC Chair. To review the full complaint, please see the Commission's website at www.cpc cpp.gc.ca.

In addition, the CPC solicited input from the public on the issue of police investigating police and received a total of 19 submissions. To further an examination of various models in existence addressing the issue of police investigating the police, CPC researchers conducted interviews with several Chairs of review/oversight bodies within Canada and abroad, and similarly mapped the characteristics and powers of these bodies. This work formed the basis for making recommendations about possible new review models for the RCMP that are found within the investigation report.

The CPC will provide the RCMP Commissioner and Minister of Public Safety with its Interim Report early in the new fiscal year. The CPC looks forward to receiving the Commissioner's Notice to the Interim Report in a timely fashion, when the CPC will issue its Final Report After Commissioner's Notice (FACN) within the 30-day service standard the CPC has established for itself.

TRACKING OF PUBLIC COMPLAINTS BY THE RCMP

CPC Review of the RCMP Public Complaints Record 2007

Over the past year and a half, the CPC embarked on an in-depth examination of the entire RCMP public complaints system. Referred to as the Review of the Record project, this research provides an empirical foundation to assess how effectively the RCMP public complaints system is functioning overall, at the national, regional, and divisional level. The Review of the Record examines all complaint dispositions stemming from public complaints against the RCMP lodged with the CPC, or directly with the RCMP, and is designed to:

- Confirm that the RCMP's statutory mandate and responsibilities related to public complaints provided for in Part VII of the *RCMP Act* are being met;
- Analyze complaints for the purpose of trend analysis;
- Identify complaint issues that might form the subject of further examination or action;
- Identify systemic issues within the complaint process and the wider context of Canadian law enforcement; and
- Encourage collaboration with the RCMP to identify opportunities for change.

On January 29, 2009, the CPC released to the public its report for the calendar year 2007. The research included a total of 1,440 complaints at that time.

The Review of the Record project has:

- **Identified opportunities to improve the quality of the public complaint system and enhance service to the public.**
- **Reduced the large number of outstanding complaint dispositions with the RCMP.**
- **Increased cooperation between the CPC and the RCMP.**

In addition, this project has the added benefit of identifying negative issues before they require costly solutions (e.g. public hearings or commissions of inquiry).

Overall, the public complaint system is working and service to Canadians is improving, e.g. RCMP compliance in providing the Commission with completed complaint dispositions is getting better. However, the Review of the Record project found the following:

Areas that Require Immediate Attention:

1. **The RCMP is not properly informing complainants of their right to request a review, from the Commission, of their complaint disposition, thereby denying complainants full access to the complaint system.**
2. **Contrary to RCMP policy, the RCMP is informally resolving allegations of serious misconduct.**
3. **Of all the complaint allegations investigated by the RCMP force wide, very few were found to be supported by the RCMP.**
4. **The RCMP is occasionally misclassifying a complaint withdrawal as an informal resolution, and vice versa.**
5. **There is little information about the RCMP public complaint process from Nunavut, Yukon, and the Northwest Territories.**

Pursuant to the above, the CPC made six recommendations to the Minister of Public Safety and the Commissioner to improve the overall complaint system:

1. The Commission and RCMP engage in discussions of best practices and improvements to the public complaints process.

2. The Professional Standards and External Review Directorate at RCMP Headquarters issue a directive articulating the handling of certain complaint dispositions and allegation categories, e.g. when it is appropriate to informally resolve improper use of force allegations and when it is not, how complaints alleging statutory offences are to be processed under Part VII of the *RCMP Act*, and when it is appropriate not to investigate a public complaint.

3. The RCMP implement efficient means of tracking public complaints nationally.

4. The RCMP implement standardized training for those involved in capturing public complaints and writing dispositions.

5. The RCMP commit to improving its public complaint service standards.

6. The RCMP ensure all complaint dispositions are provided to the Commission concurrent to being provided to the subject member and complainant.

NOTABLE COMPLAINTS

The *RCMP Act* authorizes the Chair to initiate a complaint to review the conduct of an RCMP member or members. The ability to self-initiate such a review allows the CPC to broaden its scope of review beyond what may have been articulated by individual complainants, leading to the identification of systemic issues that may not otherwise be adequately explored. The Chair reports his findings and any recommendations for action stemming from a Chair-initiated complaint to the Commissioner of the RCMP and to the Minister of Public Safety. This year, the CPC continued to focus this authority on those issues of particular concern to the public, i.e. deaths in RCMP custody and the use of the TASER®. By doing so, the CPC is creating a comprehensive factual picture of police activities and enabling the CPC to examine RCMP practices on a detachment, division and national basis.

This approach will also permit the CPC to better inform the RCMP Commissioner, the Minister and the Canadian public of the true nature and scope of problems that have tended to be viewed as isolated events.

DEATHS IN RCMP CUSTODY

Kevin St. Arnaud

On March 15, 2006, the Commission Chair initiated a complaint in relation to the events surrounding the shooting death of Kevin St. Arnaud in Vanderhoof, British Columbia. Specifically, the complaint alleged that members of the RCMP improperly entered into a situation with Mr. St. Arnaud that resulted in his death and that a member of the RCMP improperly discharged his firearm in the incident. The coroner's inquest into Mr. St. Arnaud's death took place in January 2007, and evidence introduced there raised questions about the adequacy of the original criminal investigation. The Chair therefore amended his complaint, adding an allegation that members of the RCMP failed to conduct an adequate investigation into the death of Mr. St. Arnaud.

During the coroner's inquest, the member involved in the shooting of Mr. St. Arnaud, Constable Ryan Sheremetta, testified about his experience in disarming persons in the town of Vanderhoof. The veracity of his testimony became the subject of much scrutiny and led to an investigation by the RCMP public complaints investigator and the CPC analyst. Their intense examination uncovered facts that led to the suspension of the member and a referral of the investigation to the Crown for a possible charge of perjury. In addition, the Metropolitan Toronto Police Service was brought in to examine the complete criminal investigation file. After reviewing the file, the Crown decided not to recommend criminal charges.

On October 29, 2008, the Chair provided his Interim Report to the Commissioner of the RCMP and the Minister and made findings in two main areas. First, the Chair concluded that Constable Sheremetta shot Mr. St. Arnaud in self-defence after reasonably perceiving that Mr. St. Arnaud posed a threat of grievous bodily harm or death and believing that he could not otherwise preserve himself from grievous bodily harm or death other than by using

deadly force. Second, the Chair found that the members first arriving at the scene and the North District Major Crime Unit, which ultimately conducted the investigation, made significant errors that detracted from the adequacy and impartiality of the investigation.

The Chair made recommendations urging the RCMP to:

- increase the number of and improve the appointment process for use of force experts;
- ensure that the primary investigators involved in police investigating police conduct briefings and continually update the forensic identification officers;
- act forthwith to implement policy that provides direction to on scene RCMP members in major cases involving investigation of police conduct, i.e. situations where the police investigate the police, including the need to ensure real and perceived impartiality; and
- modify Major Case Management policy so as to clarify the distinction between those managers and supervisors providing operational decision making and guidance, and those providing administrative support.

On March 27, 2009, the Commission received the RCMP Commissioner's Notice which responded to the Chair's recommendations. While disagreeing with some of the CPC's findings the Commissioner accepted all of the recommendations and noted that the relevant policies were currently being developed or reviewed. The Commission will monitor the RCMP's progress in the development of these policies.

Cheryl Anne Bouey

On June 26, 2008, members of the Prince George RCMP Detachment arrested Ms. Cheryl Anne Bouey for being intoxicated in a public place and lodged her in cells. A guard subsequently found her unresponsive in her cell and attempts to revive her were unsuccessful.

On June 27, 2008, the Chair initiated a complaint into the conduct of those RCMP members or other persons appointed or employed under the authority of the *RCMP Act* involved in the events of June 26, 2008, from the time of Ms. Bouey's initial contact with police, arrest and subsequent detention and death. The complaint will also examine whether there was compliance with training, policies, procedures, guidelines and statutory requirements relating to persons in custody and whether there was adequate supervision and direction to the guard or guards who were charged with the care and handling of prisoners in the Prince George Detachment at the time of Ms. Bouey's detention in cells and death. The complaint will further examine whether the relevant RCMP national, divisional and detachment-level policies are adequate to ensure the proper care and safety of persons detained in RCMP cells.

The investigation into this matter is ongoing.

Raymond Silverfox

On December 2, 2008, Whitehorse RCMP members responded to a complaint from a local shelter. The RCMP members arrived at the shelter and arrested Raymond Silverfox for causing a disturbance. Mr. Silverfox was transported to the RCMP's Whitehorse Detachment and held in custody for several hours during which time he went into medical distress. He was taken to hospital where medical staff was unable to revive him and he died thereafter.

The Chair-initiated complaint will examine whether the RCMP members or other persons appointed or employed under the authority of the *RCMP Act* involved in the events of December 2, 2008, from the moment of initial contact and arrest, through to the subsequent detention and death of Raymond Silverfox, complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to persons held in RCMP custody and in particular to providing access to medical treatment.

The complaint will also assess whether the RCMP's national, divisional and detachment-level policies, procedures and guidelines relating to the provision of medical treatment to persons detained in RCMP custody, in particular relating to those who are detained where the consumption of alcohol is a factor, are adequate to ensure the proper care and safety thereof.

Mental Health-Related Issues and the Death of Christopher Klim

The RCMP's response to people with mental heath-related issues remains a concern for the Commission.

On January 18, 2008, the Chair initiated a complaint into the conduct of Vernon, British Columbia RCMP members executing a warrant issued pursuant to British Columbia's *Mental Health Act* on December 27, 2007. During the incident, the subject of the warrant, Christopher Klim, allegedly threatened the members with at least one knife. The events escalated to the point where members feared for their safety and used deadly force. Mr. Klim died as a result of his gunshot injuries.

> **"The RCMP's response to people with mental heath-related issues remains a concern for the Commission."**

The complaint will examine whether members complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to persons being apprehended under the *Mental Health Act*. It will also examine whether relevant RCMP policies, procedures and guidelines are adequate.

The RCMP commenced its investigation in May 2008 and a coroner's inquest was held in November 2008. The RCMP's investigation of the Chair's complaint is ongoing.

TASER® INCIDENTS

Death of Robert Dziekanski

On October 14, 2007, four RCMP members from the Richmond, British Columbia Detachment responded to a complaint of a male acting erratically at Vancouver International Airport. While attempting to subdue and arrest the individual, later identified as Robert Dziekanski, the members deployed the TASER®. Shortly after being taken into custody, Mr. Dziekanski fell unconscious. Emergency services personnel attended, but Mr. Dziekanski died at the scene.

The incident sparked considerable public concern over the degree and type of force required by police officers to effect an arrest and particular concern over the use of the TASER®. Members of the public also continue to voice concerns about the propriety of the police investigating the police. The Chair of the Commission therefore decided there were reasonable grounds for investigating both the conduct of the RCMP members involved in this incident and the adequacy of the ensuing investigation conducted by the RCMP investigation team. The Chair

also is assessing RCMP policy, procedures, directives and guidelines that affect the deployment of the TASER® and the handling of persons who are unable to communicate in either of Canada's official languages.

The CPC's review of this matter continues and a report is expected to be released in 2009.

Frank Lasser

On May 9, 2008, the Chair initiated a complaint into the conduct of Kamloops, British Columbia RCMP members responding to a call of an armed patient at the Royal Inland Hospital in Kamloops. During the incident, the patient, Frank Lasser, allegedly threatened the RCMP members with a knife. Members subdued 82-year-old Mr. Lasser by use of a TASER®.

The complaint raised the issue of whether members complied with all appropriate policies, procedures, guidelines and statutory requirements and whether existing RCMP policies, procedures and guidelines are adequate.

The Chair released his final report on April 1, 2009 which determined that RCMP members acted appropriately by using the TASER® on Mr. Lasser as a last resort to disarm him after all other attempts had failed.

Throughout this incident, Mr. Lasser's behaviour could reasonably be described as posing a threat of grievous bodily harm or death to hospital staff, police and even himself. Under the circumstances, the Chair concluded that use of the the TASER® was justified.

Inuvik Minor

On March 13, 2007, an RCMP member responded to a call from staff at the Arctic Tern Young Offenders Facility in Inuvik, Northwest Territories to assist them with an unruly teenaged female. While attempting to subdue the female, the member deployed the TASER®. The incident was initially investigated by the RCMP in the Northwest Territories.

The incident sparked public concern over both the use of the TASER® on a youth in a detention facility as well as the propriety of RCMP members investigating other RCMP members.

As a result, on November 28, 2008, the Chair initiated a complaint into the conduct of all members involved in the incident as well as those who conducted the subsequent criminal investigation. The Chair will also assess the adequacy of RCMP policies, procedures and guidelines applicable to these situations.

The Chair also determined that it was in the public interest to investigate this matter and therefore instituted a public interest investigation pursuant to the *RCMP Act*. The independent civilian investigator appointed to this case is a former senior (non-RCMP) police officer.

The investigation into this incident is continuing.

CROSS-JURISDICTIONAL COOPERATION BY POLICE OVERSIGHT AGENCIES

The Use of Search and Seizure as a Preventative Security Measure: Search for Alcohol at a Large Civic Event

In preparation for the Canada Day celebrations of 2008, the West Shore RCMP Detachment in British Columbia, working with the Victoria Police Department (VPD), other police agencies and B.C. Transit, developed an operational plan to respond to what had occurred on Canada Day in recent years in the City of Victoria. The objectives of the plan were to respond in a proactive way to what had become a civic event mired in excessive liquor consumption and vandalism on the part of some attendees.

Citizens entering the downtown core of Victoria were subject to consensual searches of bags and knapsacks for alcohol. Although there were no incidents related to the searches, two citizens subsequently lodged complaints with the British Columbia Civil Liberties Association. In July 2008, the BCCLA approached the Office of the Police Complaints Commissioner of British Columbia, responsible for the Victoria Police and the CPC, responsible for the RCMP, with a formal complaint. As the complaint stemmed from a joint operation, the two oversight bodies worked together to conduct a consistent and cost-effective review. The CPC was given responsibility to coordinate the investigation as a "public body" pursuant to section 63.1 of the British Columbia *Police Act*.

The investigation conducted by the Commission's investigator consisted of a review of all relevant documents including policing policies and the relevant planning documents for the Canada Day events, interviews of relevant individuals, as well as a review of the execution of the policies and operation plans relating to the search and seizures. Furthermore, in light of the legal implications regarding the searches conducted by the police during the Canada Day celebrations, a legal opinion was obtained regarding the examination of bags carried by pedestrians and bus passengers.

In its Interim Report, the Commission found that although the goal of the police in this case was laudable, unfortunately, it appears that in the main these searches, such as in the case of the individual witness, were not genuine consent searches and accordingly were not authorized under British Columbia's *Liquor Control and Licensing Act*, *Transit Act* and *Transit Conduct and Safety Regulation*, or general common law police powers. If such searches are to contribute to the security necessary for this civic celebration to continue in the future, they must be given some legislative authority that is justifiable under the *Canadian Charter of Rights and Freedoms*. The Commission also found that the RCMP members did not keep detailed notes of their participation in the Canada Day events.

In light of the findings,

the Commission recommended that until such time as the required legislative bases are put in place, the RCMP's participation in preventative and early interdiction liquor strategies be limited to police presence, and searches only be conducted when the RCMP members have the requisite grounds under the applicable legal authority. Furthermore, the Commission recommended that, consistent with policy, RCMP members take contemporaneous notes and document their actions thoroughly.

On March 27, 2009, the Chair received the Commissioner's response wherein he agreed with the Commission's findings and recommendations.

CPC AND RCMP WORKING COLLABORATIVELY

INDEPENDENT OBSERVER PROGRAM

Originally undertaken in 2007 as a pilot project in "E" Division (British Columbia), the Independent Observer Program (IOP) is aimed at ensuring that RCMP investigations into incidents where RCMP members' actions have resulted in serious injury or death are conducted without concern for impartiality.

IOP Assessment of Impartiality and Independence

A CPC Independent Observer, along with a liaison member from the RCMP's Office of Investigative Standards and Practices, attends the locale of the incident and is fully briefed throughout the investigation. Access to the operational file of the investigation is also provided so that the Independent Observer is able to assess impartiality. That assessment is done using four primary criteria:

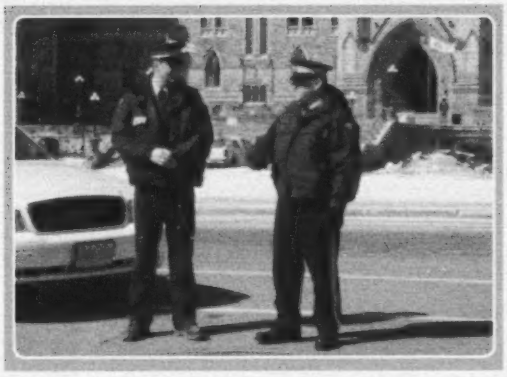
- **line management:** whether there are any actual or perceived conflicts of interest between the subject members and those conducting the investigation. In addition, whether the management structure and reporting relationships are appropriate;
- **appropriate level of response:** whether the investigative team's response to the incident is proportional to the seriousness of the incident. This includes training, experience, and professional accreditation;
- **timeliness of the response:** whether there were any delays in investigative team's response to the incident; and
- **conduct:** whether the investigative team members' conduct is consistent with section 37 of the *RCMP Act*.

The Independent Observer confines the assessment to these four considerations and does not examine the investigation with regard to issues such as adequacy or direction. That said, the Observer is a helpful set of eyes and ears for the Commission and can lead to the Chair determining that it is appropriate to examine the matter more closely and initiate a complaint. Following each IOP incident, summary and status reports are posted on the CPC website.

The IOP was initiated on six occasions this year. Of note is the fact that the IOP was employed twice in "M" Division (Yukon).

Location	Date IOP engaged
Surrey, British Columbia	June 18, 2008
Surrey, British Columbia	August 1, 2008
Langley, British Columbia	October 1, 2008
Whitehorse, Yukon	December 4, 2008
100 Mile House, British Columbia	February 10, 2009
Watson Lake, Yukon	March 11, 2009

For a summary of the cases, please see the Commission's website at www.cpc-cpp.gc.ca.



IOP Evaluation

Upon the expiration of the one-year term of the pilot project, 22 stakeholders were contacted and participated in an evaluation of the pilot conducted by an independent third party. The responses provided included the finding that the observations provided by Independent Observers have been timely, competent, and professional. Furthermore, a number of recommendations to refine the pilot project were made in the evaluation, including:

- formalizing the Pilot Project and developing a written protocol;
- seeking approval to extend the IOP in "E" Division on an on-going basis;
- the CPC ensuring a more proactive approach is taken with respect to media coverage around the IOP;
- the RCMP and CPC clarifying the roles of the Independent Observer and liaison member, as well as defining terms such as "impartiality";
- tracking IOP program costs; and
- examining the feasibility of establishing the IOP in other divisions.

The majority of these recommendations have been implemented and incorporated into a formal protocol signed on March 12, 2009.

RECOMMENDATIONS MADE TO THE RCMP

While addressing cases involving the conduct of individual RCMP members, the Commission also examines systemic problems that frequently are catalysts for complaints about individual members' conduct.

In recent years, the Chair has launched a number of complaints aimed at creating a comprehensive factual picture of police activities and enabling the CPC to examine RCMP practices on a detachment, division and national basis.

This approach will allow the CPC to better inform the RCMP Commissioner, the Minister and the Canadian public of the true nature and scope of problems that have tended to be viewed as isolated events.

To foster greater public debate on these important issues, the CPC publishes on its website all reports containing its adverse findings as well as its recommendations.

RECENTLY IMPLEMENTED RECOMMENDATIONS

Kingsclear Youth Training Centre Final Report

On October 10, 2007, the Chair released the final report on his public interest investigation into complaints received relating to RCMP investigations of alleged sexual abuse at the Kingsclear Youth Training Centre in New Brunswick.

In February 2009, the RCMP Commissioner provided an update regarding actions the RCMP has subsequently taken in response to the nine recommendations made by the CPC in its Kingsclear Public Interest Investigation Report.

Among the RCMP responses, the Commissioner stated that he will remind Commanding Officers of the requirement to have appropriate practices and processes in place to monitor large scale and sensitive operations. The Commissioner also recommended that "J" Division (New Brunswick) revise the mandate of the Major Crime Unit and that there be a dedicated General Investigation Unit/Street Crime Unit in each district. The Commissioner further stated that a revised operational policy for notebooks and a new Unit Level Quality Assurance (ULQA) policy have been drafted.

The RCMP has also instituted a practice of calling on investigators from other provinces, unfamiliar with member(s) under investigation, to conduct investigations where appropriate. Further, RCMP Divisions can arrange for independent investigators for sensitive investigations from other Divisions of the RCMP, from integrated units, or from other provincial or municipal police agencies, depending on the circumstances.

Additionally, the RCMP agreed that it needs to be more proactive in its communications, and that communications for ongoing investigations must be carefully managed in order to protect the integrity of such investigations and any related civil or criminal proceedings.

RECOMMENDATIONS AWAITING IMPLEMENTATION

The CPC provides the RCMP with its adverse findings and its recommendations to address these findings. In instances where the RCMP has agreed in principle but have yet to adopt or implement the recommendations, the Chair will continue to monitor and make public his key recommendations. Two such examples of recommendations awaiting implementation include:

Taxation of Canadian Corporate Dividends and Income Trusts

On February 1, 2007, the Chair of the CPC launched a review of the RCMP's December 2005 announcement of its decision to conduct a criminal investigation into a possible breach of security relating to the taxation of Canadian corporate dividends and income trusts. The RCMP's public disclosure occurred in the middle of the 2005–2006 federal election campaign. The Chair found no evidence of improper motive but noted that RCMP policies and standards relating to the release of such information are neither comprehensive nor are they capable of addressing sensitive situations in which it is necessary to weigh competing public interests. The Chair outlined the elements of a policy framework to shape the future exercise of RCMP discretion relating to the disclosure of the existence of highly sensitive investigations such as those that might affect the federal electoral process.

On February 2, 2009, the Commissioner of the RCMP advised that while a draft policy on sensitive investigations continues to be developed, in the interim the RCMP has implemented more robust internal and external communication strategies in connection with these matters.

Shooting Death of Ian Bush

On November 29, 2007, in Vancouver, British Columbia, the Chair released his final report on his review of the shooting death of Ian Bush of Houston, British Columbia. On October 29, 2005, Mr. Bush was fatally shot by Constable Paul Koester at the Houston RCMP Detachment in British Columbia. After the RCMP completed its criminal investigation, it was reviewed by the New Westminster Police Department and forwarded to the B.C. Crown Counsel's Office. The B.C. Attorney General determined that no criminal charges would be laid.

In his final report, the Chair made a number of significant recommendations aimed at improving RCMP policing practices. Key among them are:

- that the RCMP develop policy that provides direction to on-scene RCMP members in major cases involving investigation of police conduct;
- that the RCMP develop a policy that dictates the requirement, timeliness and use of the duty to account that members are obliged to provide; and
- that the RCMP develop a media and communications strategy specifically for police involved shooting investigations that recognizes the need for timely updates to the media and to the public.

While the Commission has yet to be advised that any of the aforementioned recommendations have been fully implemented, it is aware that the RCMP is working on clarifying the "duty to account" obligation.

OPERATION OF THE COMMISSION

Fiscal year 2008–2009 represents the first year of the CPC operating with its complaint intake and review functions integrated into one unit. The synergies realized as a result of this reorganization have contributed to the CPC being more attuned to the needs of the Canadian public and thus better able to identify and respond to emerging trends related to police oversight.

SERVICE STANDARDS

This year also marked the first full year of operation in adherence to the performance-based service standards for each step of the complaint and review process.

The aim of the CPC is to have the entire complaint process—from the initial lodging of the complaint to the final disposition on appeal—finalized within one year. The CPC is seeing a number of complaints being completed within the one year time period, which is a significant improvement from previous years.

This year, 58% of the complaints subjected to a review by the CPC met this one-year target.

The CPC continues to work with the RCMP in tracking response times and enhancing efficiencies. These actions are aimed at enhancing the ability of complainants, RCMP members and Canadians to hold the CPC and the RCMP accountable for a timely response to public complaints.

The CPC exceeded

its performance targets for all of its service standards. This serves as the Commission's on-going commitment to provide value-added services to all Canadians by ensuring accountability in policing practices in a timely fashion.

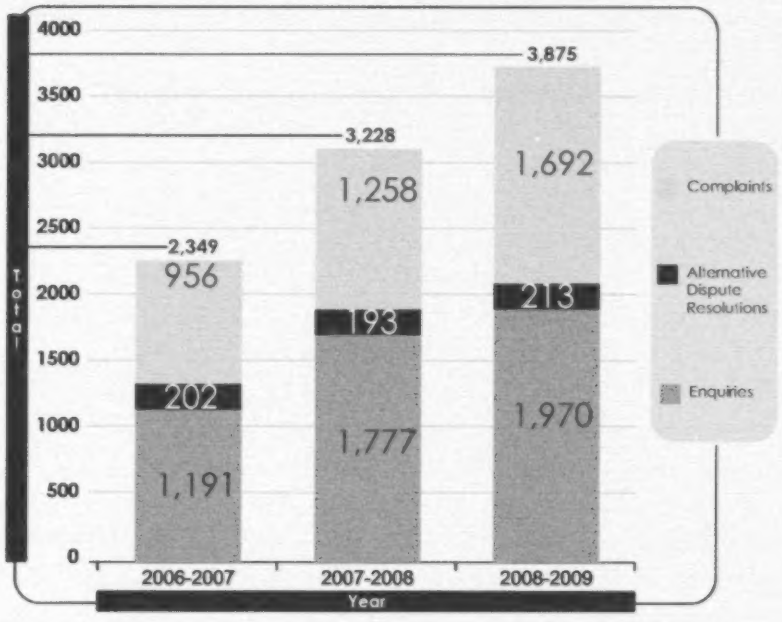
	Standard	Target	Actual
Complaints *	4 days	80%	90%
Requesting materials from RCMP	4 days	80%	94%
Review reports	120 days	80%	89%
FACNs	30 days	80%	95%

**Processing and delivering formal complaints to the RCMP*

ENQUIRIES, ALTERNATIVE DISPUTE RESOLUTION AND FORMAL COMPLAINTS

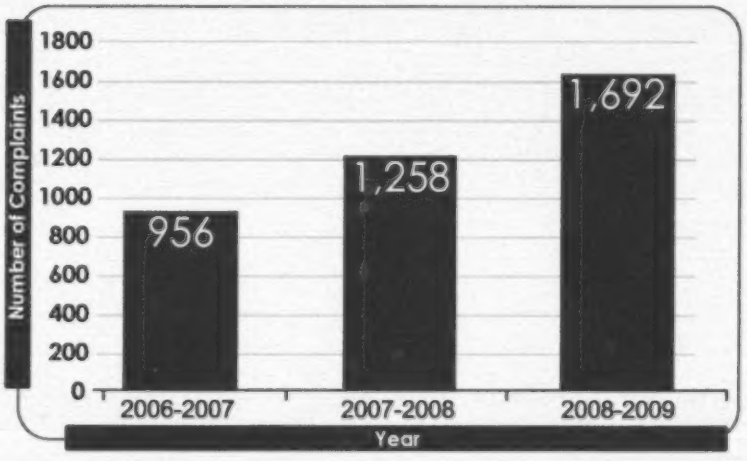
Much of the Commission's work continues to centre on providing direct service to Canadians who are concerned about the actions of the RCMP. The CPC's national intake office in Surrey, British Columbia, continues to experience increasing workload. Specifically, it processed 3,875 general enquiries, alternative resolutions ("ADRs"), and formal complaints against the RCMP this year. As the following chart illustrates, this represents a 20% increase from last year. Over the past two years formal complaints have increased by a total of 86%.

Total Enquiries, Alternative Dispute Resolutions and Complaints



Complaints

" Complaints increased 34.5% in fiscal year 2008-2009 from fiscal year 2007-2008. "



The Commission remains intent on enhancing its responsiveness to the needs of the public by providing a number of options for the processing of any concerns. To this end, a member of the public contacting the Commission will be provided with same-day access to an experienced analyst who will listen to that person's issues, assess what he or she would like to achieve and identify an appropriate process that will meet his or her objectives.

For example, the same allegation of lack of professionalism on the part of an RCMP member could be managed in three ways:

Enquiry

If a motorist is spoken to by an officer at a traffic stop in a manner which the motorist believes is inappropriate and wants to express his concerns without entering into the formal complaint process, or even providing his name, the analyst will listen to the issues described by the citizen, record the details and provide them in a written report to the detachment commander. The process is identified as an Enquiry.

Alternative Dispute Resolution

Another motorist in similar circumstances may wish to participate in an alternative dispute resolution process rather than lodge a formal complaint. After clarifying the citizen's issues and goals, a CPC analyst will facilitate discussions with the RCMP in an effort to reach a solution that is satisfactory for both the complainant and the RCMP.

Formal Complaint

A different motorist in this situation may wish to lodge a formal complaint and participate in an investigation, receive a written response from the RCMP and have the ability to request the Commission to conduct an independent review. This process is identified as a Formal Complaint.

Enquiries

The Commission recognizes that not every concern has a basis in conduct, nor is the formal complaint process the singular vehicle to address issues raised by the public. The Commission acts on the need to provide additional service to the public by recognizing that many of the issues raised by citizens could suitably and promptly be addressed by experienced analysts. This may include requests for information about police authority, obtaining assistance in furthering an investigation or gaining an understanding of the role of Crown counsel. This alternative measure appreciably decreases the demands placed on the complaint system.

Alternative Dispute Resolution

The Commission employs skilled analysts, trained in mediation, who function as neutral and objective intermediaries to assist with conflict resolution by creating a positive climate for communication between the public and the RCMP. Commission analysts clarify for the citizen what the roles and responsibilities of the parties are, establish logistics for communications and assure the citizen that the formal complaint process remains an option in the event of an unfavourable outcome. The parties then confer with each other to arrive at a satisfactory resolution. In many instances, these types of conflicts are resolved within a few days.

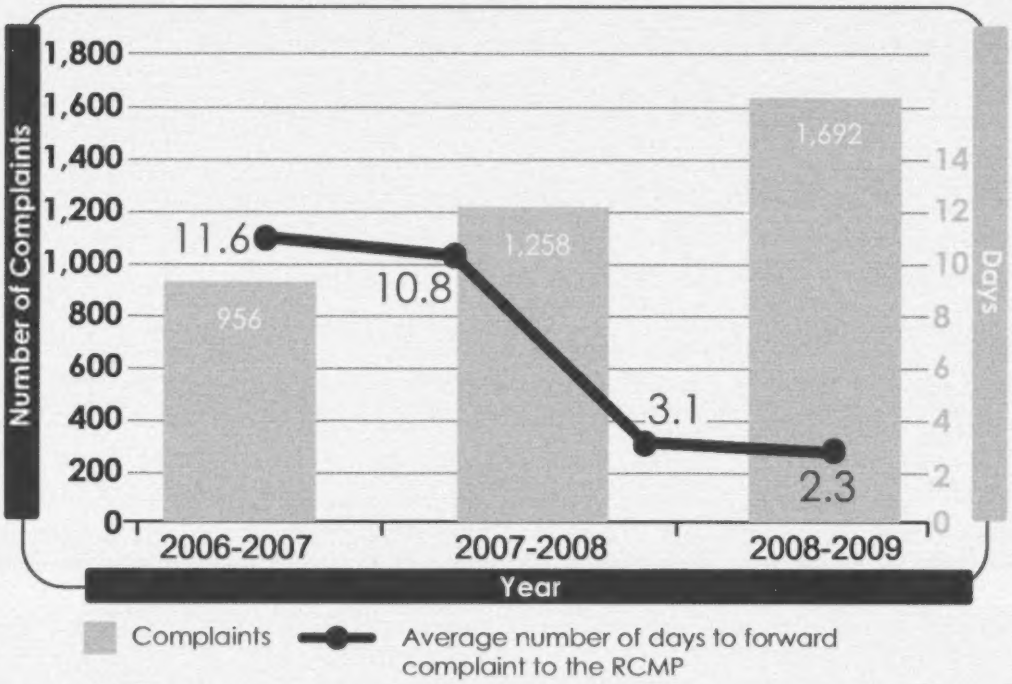
The aim of the Commission in this regard is to "add value" as an unbiased and informed bridge between the public and the RCMP. It should be noted that statutory offence allegations or those alleging excessive use of force or other serious matters are not considered to be appropriate for ADR.

Formal Complaints

Timely Processing of Complaints

Last year the Commission introduced a service standard for processing complaints and implemented secure electronic transmission to the RCMP. During fiscal year 2008–2009, continued business process improvements resulted in 90% of all complaints being transmitted to the RCMP within four calendar days of receipt by the Commission.

The Four-day Service Standard



Complaint Trends

The type of issues raised in complaints made to the Commission in 2008–2009 followed similar trends from previous years, the most common complaint issue relates to member attitude (20.6%). This category of complaint can include dismissive, rude, non responsive, or biased behaviour on the part of the member as well as behaviour that is seen to be unfair or lacking empathy.

The second most common complaint issue identified by the Commission relates to the quality of RCMP criminal investigations (17.3%). This complaint issue is identified as such when the complainant feels that the criminal investigation included improper witness interviews, improper evidence handling and examination, timeliness issues, concealment of facts, or misleading reports.

Other complaint issues relate to arrest, vehicular incidents and issues surrounding allegations of police physical abuse. However, the most common complaint issues identified relate to member attitude or RCMP criminal investigation quality.

10 Most Common CPC Complaint Issues	Number of Complaint Issues
Attitude other than abusive language	978
Criminal investigation quality (RCMP) other than note-taking	821
Arrest	292
Vehicular incidents	285
Police physical abuse other than restraints	255
Alcohol/drugs	252
Detention	225
Search and seizure	149
Property mishandling	137
Jurisdiction	131

Receipt of all Complaints in the First Instance

The public can make complaints with the CPC or with the RCMP. As the agency charged with addressing complaints regarding the RCMP, the CPC has historically only been aware of those public complaints lodged directly with the CPC in any given period.

On January 30, 2009, the Commissioner of the RCMP agreed that the work of the CPC would be enhanced if it were to receive all complaints lodged with the RCMP promptly after they had been filed. Additionally, he advised that he would immediately implement the practice across the RCMP. This is an important milestone in the evolution of the CPC.

REVIEW OF PUBLIC COMPLAINTS

When a person lodges a formal complaint about the conduct of a member of the RCMP, if that person is not satisfied with the RCMP's response, that person has the right to request that the Commission independently review the propriety of the conduct and the RCMP's handling of the matter.

Upon receiving a request for review, the CPC requests all relevant information regarding the complaint. Commission analysts then examine the information provided by both the complainant and the RCMP. The Commission may agree with the RCMP's initial investigation or find that the complainant's allegations are founded. In its reports, the Commission makes recommendations aimed at improving RCMP conduct and national policing policy.

This year the CPC was asked to formally review the RCMP's handling of 226 complaints. Of these, 78% were from complaints originally lodged with the CPC. The CPC notes that the complex nature of the issues raised in these review requests is continuing to increase.

As part of its ongoing commitment to ensuring straightforward, public access to reports and recommendations given to the RCMP, the CPC greatly expanded the amount of information available on its website this past year.

Additionally, in an effort to promote civilian confidence in the RCMP, one section of the website features a number of reports which highlight both opportunities for improvement as well as instances of exemplary police conduct.

Preparation and delivery of reviews

Once a review is requested, the Commission tracks every step of the process in order to provide a timely response to both the complainant and the implicated members. If upon completion of the review, the Commission is satisfied with the actions of the RCMP and the manner in which it addressed the complaint, it will issue a "Satisfied Report." On the other hand, if the Commission finds fault or is otherwise not satisfied, it will issue an "Interim Report" outlining its findings and recommendations to the Commissioner of the RCMP and the Minister of Public Safety.

During this fiscal year, the Commission delivered a total of 276 reports. Of these, 86% indicated that the Commission was satisfied with the actions of the RCMP.

120-Day Service Standard

The CPC remains committed to ensuring that at least 80% of its reports are finalized within 120 days of receiving the request for review. This year, the CPC achieved a performance rate of 89%. This is an increase of 9% from last year's performance.

Receiving the materials from the RCMP in a timely manner, a necessary first step

In the majority of cases, the Commission's review of a complaint is comprised of three steps:

1. requesting the relevant materials from the RCMP;
2. receiving the materials; and
3. preparing and delivering the review report.

As indicated in last year's annual report, the Commission's ability to complete its report thoroughly and expeditiously is dependent upon the RCMP providing all materials relevant to the complaint in a timely manner. Although the RCMP still has some distance to go in order to meet the 30-day objective, the Commission will continue to work with the RCMP in improving its turn-around times and ensuring timely responses to complaints.

Incomplete materials and further investigations

If the Commission is not satisfied with the materials provided by the RCMP, or if it believes that not all of the complainant's concerns have been adequately investigated, the Commission may then take additional steps to fully address the issues raised in the complaint. The Commission can either:

1. request additional information;
2. conduct an investigation or request that the RCMP further investigate the complaint; and/or
3. initiate an investigation in the public interest.[2]

[2] The Commission Chair may also, at any step of the public complaints process, initiate a complaint if he believes it is reasonable in the circumstances to do so.

During this past fiscal year, the Commission concluded there was missing information in 9% of matters that it reviewed. In response, the RCMP provided the additional information on average within 25 days of these requests. Examples of missing information include cell block videos, statements and members' notes. Additionally, in seven specific cases, the Commission deemed it was necessary that a further investigation be conducted. On average, these further investigations took six months to complete.

INTERIM REPORTS, COMMISSIONER'S NOTICES AND FINAL REPORTS

While in the majority of cases the CPC is satisfied with the actions taken by the RCMP, when the CPC makes adverse findings about the conduct of a member, it prepares an Interim Report setting out its findings and recommendations; this is sent to the Commissioner of the RCMP and the Minister of Public Safety. The RCMP Commissioner prepares a response—the Commissioner's Notice—in which he describes what action the RCMP has taken or will take in light of the findings and recommendations. The CPC then prepares its final report—the Final Report After Commissioner's Notice (FACN); this is sent to the complainant and the members involved.

Commissioner's Notices

As stated above, whenever the Commission concludes that a member acted inappropriately or contrary to RCMP policy, it produces an Interim Report and reports its recommendations to the Commissioner of the RCMP and to the Minister of Public Safety. By so doing, the Commission's aim is not punitive in nature, but rather seeks to provide guidance to the member(s) as to diminish the likelihood of such an incident to reoccur.

There exist four general ways that the Commission may impact policing practices and promote RCMP accountability through the reports it delivers.

The Commission may make recommendations that:

1. **address members' individual conduct;**
2. **address members' behaviour for an entire detachment or unit;**
3. **address deficiencies in a divisional (provincial) policy; and finally**
4. **address a deficiency in an RCMP-wide policy.**

Accordingly, an individual complaint may, if the facts and issues warrant such a recommendation, result in a change in RCMP policing practices for the entire country.

This year the Commission prepared and delivered 33 Interim Reports and received 49 Commissioner's Notices (responses to Interim Reports) from the RCMP.

RCMP Agreement with CPC Findings and Recommendations

The CPC observed a marked increase in the number of findings and recommendations that the Commissioner of the RCMP agreed with. Of the amount of adverse findings made, the Commissioner agreed with 75% of them. Furthermore, he accepted 85% of the CPC's recommendations.

An example involves a report prepared regarding a perennial area of concern for the CPC—the lack of clear RCMP policy direction to its members regarding appropriate responses to civil disputes. Given the number of civil-related disputes that result in calls to the RCMP, it is important that relevant operational policy guidelines be established to provide guidance to members under these circumstances. The Commission called for this to be done on a priority basis. In his response, the Commissioner agreed and advised that the referenced policy has been drafted. The CPC will follow up with the Commissioner on this commitment.

Timeliness of Delivery of Commissioner's Notices

In last year's Annual Report, the CPC commented about the unreasonable delays on the part of the RCMP in delivering Commissioner's Notices in response to the CPC's Interim Reports. In light of these delays, the CPC urged the Commissioner of the RCMP to allocate the necessary human and financial resources to eliminate the RCMP backlog of Commissioner Notices within its current fiscal year. It was highlighted that these unreasonable delays not only undermine the right of RCMP members and complainants to a timely response, but also undermine the credibility of the RCMP's commitment to the public complaints process.

On February 2, 2009, the Commissioner of the RCMP committed to working through the backlog of Commissioner's Notices and delivering all those outstanding from 2007 and 2008 by the end of March 2009.

The Commission is pleased to report that as of March 31, 2009, the RCMP Commissioner delivered on his commitment with only two outstanding Commissioner's Notices remaining from the previously identified backlog. The Commission is hopeful that this backlog and lengthy delays on the part of the RCMP in delivering Commissioner's Notices will not present themselves as concerns in the future.

FINAL REPORTS

On January 1, 2008, the CPC implemented a 30-day service standard for completing FACNs after receiving a Commissioner's Notice. In the past fiscal year, the Commission delivered 42 FACNs to the RCMP, 95% of which were within the Commission's 30-day service standard.

COMMUNITY OUTREACH

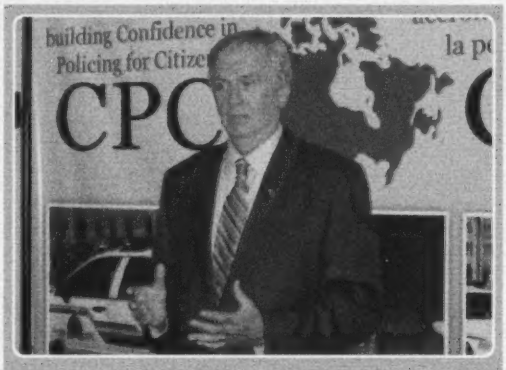
A key component of having an effective public complaints process is making sure citizens are made aware of the process and their rights therein. Therefore, community outreach is a key objective of the CPC. Although the CPC's national outreach capability has been challenged by limited resources, notable progress has been made in the past year with key stakeholder organizations that have embraced our efforts to help increase awareness of the Commission's role as an independent civilian body which can review complaints about the conduct of RCMP members.

Aboriginal Communities

The CPC is pressing ahead with face to face outreach engagements with the National Association of Friendship Centres (NAFC). The NAFC is a national Aboriginal organization with 121 provincial and territorial centres. The CPC attended the annual NAFC conference in July 2008 to build upon the successful pilot project conducted at four provincial and two territorial friendship centres. The Commission and the NAFC are working on a joint program to engage all 121 centres over the next two years by utilizing web-based video conferencing technologies.

This initiative was commended in this year's *Canadian Multiculturalism Act* Annual Report. The CPC was one of 11 federal institutions cited as having achieved notable success on the implementation of the Act by creating new programs, policies and practices which address barriers to the full participation of all Canadians.

Aboriginal court workers assist First Nations members involved in the criminal justice system obtain fair, equitable and culturally sensitive treatment. The Aboriginal Court Worker Program operates in every province and territory except New Brunswick and Prince Edward Island. The CPC has engaged Aboriginal court workers in British Columbia, Saskatchewan and Manitoba. CPC information has also been sent to all Aboriginal court workers across the country. Follow-ups have included invites for the CPC to speak at upcoming court worker conferences.



Former Vice-Chair Brooke McNabb engages an audience on the work of the CPC.

The CPC has started liaising with Indian and Northern Affairs Canada, Aboriginal Elders and women's groups, and First Nations media outlets in the North to further expand awareness of the public complaints process. The CPC has also worked with the Federal Rural Exhibits Program to have our material included in their cross-Canada displays.

Of note, every courthouse in the Yukon, Northwest Territories, Nunavut and British Columbia; every corrections office

and correctional centre library in British Columbia and town office in the Yukon has been provided with CPC information which explains the complaints process. In addition, the John Howard Society, Salvation Army Correctional Services and Elizabeth Fry Society have been engaged by the CPC.

Canadian Mental Health Association

The CPC attended the annual Canadian Mental Health Association (CMHA) conference in Halifax and spoke with delegates. Staff of the CPC are actively pursuing strong working relationships with the executive of the CMHA and the CMHA enthusiastically embraced working with the CPC on future initiatives to make the public complaints process better known within the mental health community.

Recently Arrived Canadians

Given the cultural differences in how police forces are perceived in other nations, the CPC has made engagement of ethno-cultural groups and other organizations assisting new Canadians a high priority.

Our Surrey office gave a presentation to 20 settlement workers with MOSAIC, a multilingual organization dedicated to addressing issues that affect new Canadians in the B.C. Lower Mainland. Our engagement with DIVERSECity Community Resource Society, a large registered non-profit agency which offers a range of services and programs to immigrant and refugee communities, evolved into a partnership which included a three-hour multi-cultural awareness workshop for 28 RCMP members and 10 CPC staff. DIVERSECity has also worked with the CPC to provide Chinese language interpreters.

The CPC has commenced engagement with ethnic associations and will be conducting a series of round tables across the country throughout 2009.

Provincial and Territorial MLAs

All territorial MLAs were provided with copies of the CPC's 2008 Annual Report. MLAs in B.C. were provided with CPC brochures. MLAs in every other province were provided with CPC information via email.

Municipality Associations

Given that the RCMP is the provincial police force to eight provinces, more than 200 municipalities and 600 First Nation Communities, the importance of engagement with provincial and territorial municipality associations is paramount. The CPC has established a relationship with the Federation of Canadian Municipalities and will be attending its annual conference in June 2009. The CPC also attended the Annual General Meeting of the Union of Nova Scotia Municipalities in September 2008. It is the intent of the CPC to engage all provincial and territorial municipality associations in 2009.

Legal Aid Societies and Organizations

The CPC has identified provincial and territorial legal aid groups as vital in helping ensure that more Canadians are made aware of their rights and options under the CPC complaints process.

Additionally, the CPC has commenced outreach engagement with several provincial groups and intends to establish contacts with each provincial or territorial-level organization in 2009.

Provincial Policing Review Organizations

In order to share best practices and other synergies with provincial policing complaints commissions, the CPC organized two national conferences with provincial counterparts in 2008. Both events were highly successful and have established extremely effective relationships which benefit not only the CPC but also enhance the effectiveness of provincial complaints commissions. Given that all complaints commissions ultimately share the same goal of helping to build citizen confidence in policing in their respective jurisdictions, this federal-provincial cooperation will continue to be steadily enhanced over the coming year.

Oversight and Criminal Justice Associations

The CPC continues to play a role in the Canadian Association for Civilian Oversight of Law Enforcement and attends the Canadian Criminal Justice Association Annual Conference. Additional venues have been identified where we believe outreach efforts could assist the CPC with the goal of increasing awareness of our role and the complaints process.

CPC Video

In order to enhance our outreach efforts across the board, the CPC produced a short in-house video to explain the work of the CPC and the processes involved in filing a complaint. Versions of the video will be made available in multiple languages.

Outreach Audiences

Our principal target audiences for our outreach efforts are First Nations communities, Aboriginal Canadians in general, newly-arrived immigrants and other under-represented citizens who for cultural, linguistic or literacy-related reasons are less likely to avail themselves of the public complaints process. The CPC will continue to work with key organizations that have regular interaction with these groups to help increase awareness of a citizen's right to file a complaint when appropriate.

ORGANIZATIONAL AND BUSINESS IMPROVEMENTS

Program Integrity Funding

The Commission received continued program integrity funding to support its efforts to meet current mandate requirements in the amount of $3.1M for fiscal year 2009–2010. The funds will be used to enhance the complaints and review process (operations), communications and outreach, and corporate services.

Organizational Developments

In terms of promoting management excellence and a workplace of choice, the Commission conducted its fourth annual workplace survey. It also implemented a Code of Conduct in recognition of the fact that the CPC is a values-based organization that requires employees to observe the highest standards of professional ethics and conduct. In October 2008, the Public Service Commission published a follow-up audit of the CPC which recognized the concerted efforts made by the Commission to strengthen its human resource management framework, including its staffing regime. The Commission also took steps to modernize its document management and correspondence tracking systems. Work has begun on revamping our case tracking system to handle larger volumes and to provide for better data collection and analysis.

CHALLENGES AND OPPORTUNITIES

Restoration and Maintenance of Public Confidence in the RCMP

The past several years have been particularly difficult for the RCMP as an institution and its individual members. Criticisms have spared no person and have been levied with equal vigour against all ranks from Constable to Commissioner. This phenomenon has caught many people by surprise especially in light of the deference normally afforded the iconic institution whose storied past is interwoven with the very fabric of Canadian history. Spokespersons on behalf of the RCMP have valiantly responded to these individual crises in the expectation that with time, these difficulties will pass and all will be as it was. This I believe is a forlorn hope that has merely delayed the implementation of much needed change.

Over the years, the RCMP, as an institution, has been largely spared expressions of distrust that have occasionally washed over the cornerstones of Canadian society. One must confront the fact that the seeds of distrust are built into the genes of democracy and the arrival of its touch is merely a question of time.

> **" The toughest thing about the power of trust is that it's difficult to build and easy to destroy. "**
>
> *Thomas J. Watson*

There is currently a perception that a trust deficit has grown, as police resources, practices and powers have increased in response to a more challenging public safety environment both domestically and internationally.

That trust deficit can be eliminated by increasing transparency and accountability of RCMP activities by means of an enhanced regime for civilian review of RCMP activities. Failure to address this issue increases the risk that distrust will become the dominant characteristic of the public-police discourse. The RCMP, its members and all Canadians deserve better.

APPENDIX 1: FINANCIAL STATEMENT

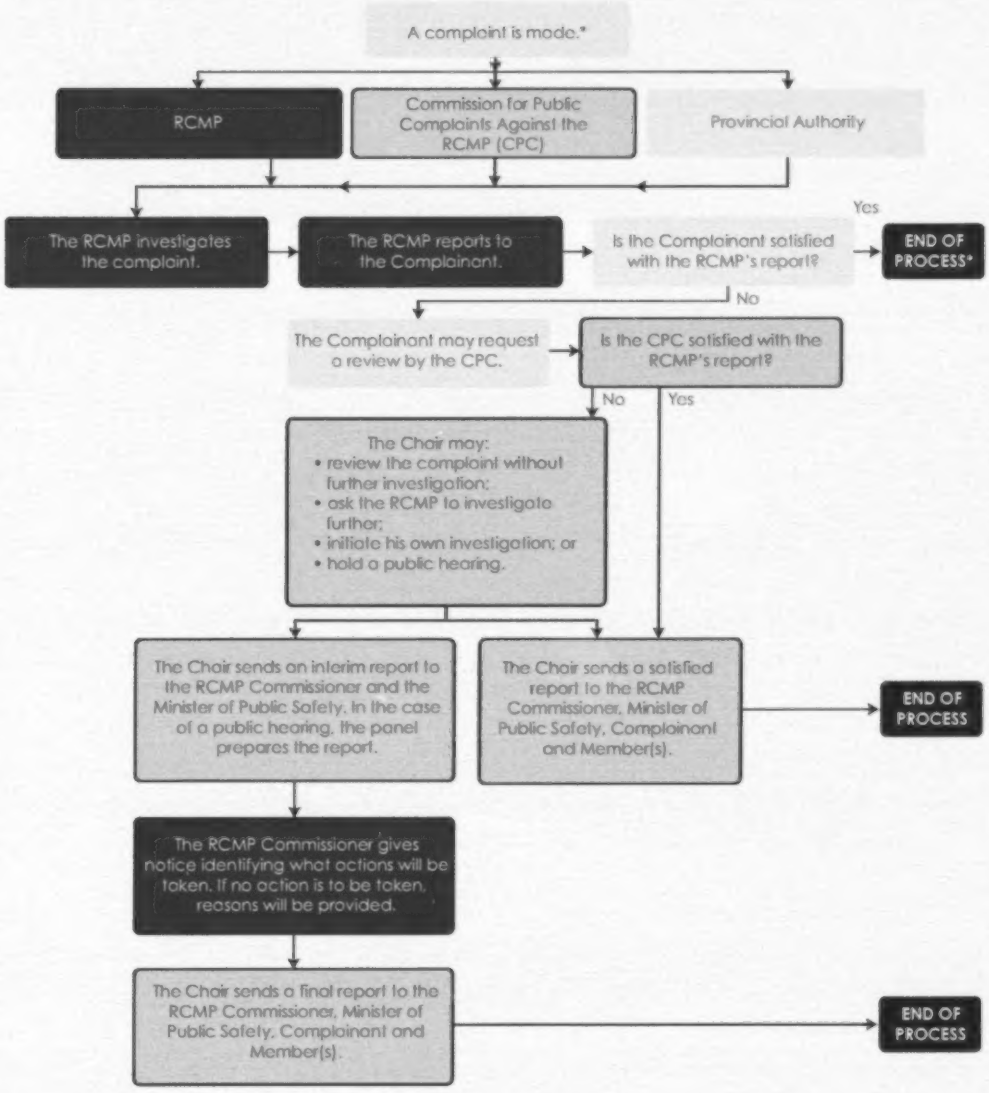
Commission for Public Complaints Against the RCMP Budget and Expenditures

Actual Spending 2008-2009 ($ thousands)		Planned Spending 2009-2010 ($ thousands)	
Salaries	4,487	Salaries	4,560
Operating expenditures	3,097	Operating expenditures	2,756
TOTAL	7,584	TOTAL	7,316

Notes:

i. *Subject to year-end adjustments*
ii. *In 2008-2009 received additional funding from Treasury Board Management Reserve to support its work ($1,179K salaries and $2,134K operating expenditures)*
iii. *In 2009-2010 planned spending includes Treasury Board Management Reserve funding ($1,465K salaries and $1,195K operating expenditures)*
iv. *Figures do not include employee benefit plans (EBP) or accommodation costs*

APPENDIX 2:
THE COMPLAINTS PROCESS


A complaint is made.*
RCMP
Commission for Public Complaints Against the RCMP (CPC)
Provincial Authority
The RCMP investigates the complaint.
The RCMP reports to the Complainant.
Is the Complainant satisfied with the RCMP's report?
Yes
END OF PROCESS*
No
The Complainant may request a review by the CPC.
Is the CPC satisfied with the RCMP's report?
No
Yes
The Chair may:
• review the complaint without further investigation;
• ask the RCMP to investigate further;
• initiate his own investigation; or
• hold a public hearing.
The Chair sends an interim report to the RCMP Commissioner and the Minister of Public Safety. In the case of a public hearing, the panel prepares the report.
The Chair sends a satisfied report to the RCMP Commissioner, Minister of Public Safety, Complainant and Member(s).
END OF PROCESS
The RCMP Commissioner gives notice identifying what actions will be taken. If no action is to be taken, reasons will be provided.
The Chair sends a final report to the RCMP Commissioner, Minister of Public Safety, Complainant and Member(s).
END OF PROCESS

* The Chair can initiate his own complaint. In addition, at any stage of the process, the Chair may institute an investigation or a hearing where he considers it advisable in the public interest.